PROB 12B (7/93)

# **United States District Court**

for

# **District of New Jersey**

# Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Johnson, Ernest

Cr.: 03-00409-001

PACTS Number: 35294

Name of Sentencing Judicial Officer: The Honorable Stanley R. Chesler, U.S.D.J.

Date of Original Sentence: 04/26/06

Date of Modification: 05/26/10

Original Offense: Robbery

Original Sentence: 57 months imprisonment; 3 years supervised release; \$100 special assessment. Special conditions: 1) drug testing/treatment; 2) full financial disclosure; 3) mental health treatment; 4) no new debt; 5) DNA collection; 6) restitution in amount of \$100,000.

Modification Sentence: 3 months of home confinement with electronic monitoring

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/10/09

#### PETITIONING THE COURT

[X] To modify the conditions of supervision as follows.

The defendant shall reside for a period of four (4) months in a community corrections center, halfway house, or similar residential facility and shall observe all the rules of that facility. The defendant shall be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

#### **CAUSE**

On July 8, 2010, the offender submitted a urine sample which yielded positive for marijuana and cocaine.

Respectfully submitted,

Date: 09/07/10

THE COURT ORDERS:

The Modification of Conditions as Noted Above

No Action

Other

Signature of Judicial Officer

Date

NPROB 49
₹ (NYEP-07/17/06)

# **United States District Court**

# **DISTRICT OF NEW JERSEY**

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, "I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel."

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of <u>120</u> days, the defendant shall reside in a Residential Re-Entry Center (RRC)approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

Witness

U.S. Probation Officer

Signed:

Probationer or Supervised Releasee

Date

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## UNITED STATES DISTRICT COURT PROBATION OFFICE DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER THOMAS C. MILLER

September 7, 2010

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Honorable Stanley R. Chesler U.S. District Court Judge Martin Luther King Jr. Federal Building & Courthouse P.O. Box 0999 Newark, New Jersey 07102

RE: Johnson, Ernest
Docket Number: 03-00409-001
Notice of Non-compliance & Request For
Modification of Supervised Release Conditions

### Dear Judge Chesler:

On April 26, 2006, Your Honor sentenced the offender to fifty-seven (57) months imprisonment followed by three years of supervised release after pleading guilty to robbery. The following special conditions were also ordered: drug testing/treatment, financial disclosure, no new debt, mental health treatment, and cooperation in the collection of DNA. A special assessment of \$100 was also ordered along with \$100,000 in restitution. On November 10, 2009, the offender was released from custody and commenced his term of supervision with the Eastern District of New York. On May 16, 2010, the Court modified the offender's conditions to include ninety (90) days of home confinement as a sanction for his illegal drug use.

On July 8, 2010, the offender submitted a urine sample which yielded positive results for marijuana and cocaine. Initially, the offender denied using any illegal substances. However, he ultimately admitted to using both illicit drugs as a means of coping with life's pressures. Despite the offender's noncompliance, he continues to adjust to life outside of prison, having spent a majority of his life in custody. The offender acknowledges his poor thought process and has taken the initiative to engage in life skills training. The offender continues to maintain a stable residence. He recently obtained full-time employment as a laborer with Remove My Junk. He has also continued to make payments towards his restitution obligation.

Based on the above information, the Eastern District of New York is requesting a modification of the conditions of supervised release to include four (4) months of community confinement in a Residential Re-Entry Center (RRC) as approved by the Probation Department. The offender has already agreed to the modification and signed a waiver of hearing to modify the conditions of supervised release (also attached).

We will make ourselves available should the Court wish to discuss this matter. Be assured that we will keep you abreast of any new developments in the case. If there are any issues or concerns, please feel free to contact the undersigned at (973) 645-4513.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief

U.S. Probation Officer

By: JANEL H. DORSEY
U.S. Probation Officer

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